

1
2
3
4
5
6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

8 JOSEPH M. ALLEN,

9 Plaintiff,

10 v.

11 MARK MILLER,

12 Defendant.

Case No. C17-1625-JCC-MAT

ORDER GRANTING PLAINTIFF'S
MOTION TO AMEND AND STRIKING
RESPONSE TO DEFENDANT'S
ANSWER

13
14 This is a civil rights action brought under 42 U.S.C. § 1983. This matter comes before the
15 Court at the present time on plaintiff's motion to amend his complaint. Defendant has filed a
16 response indicating that he does not object to plaintiff amending his complaint. The Court, having
17 reviewed plaintiff's motion, defendant's response, and the balance of the record, hereby finds and
18 ORDERS as follows:

19 (1) Plaintiff's motion to amend his complaint (Dkt. 15) is GRANTED. Plaintiff seeks
20 leave to amend his complaint, apparently to add more explanation and evidence in support of his
21 claim against defendant Miller. While plaintiff's amended pleading was not submitted in the
22 preferred format, defendant does not object to the amendment and has now filed a responsive
23 pleading to what is plaintiff's second amended complaint. Accordingly, the Court accepts

ORDER GRANTING PLAINTIFF'S
MOTION TO AMEND - 1

1 plaintiff's amended pleading for filing, and the Clerk is directed to post the amended pleading
2 (Dkt. 15) on the docket as plaintiff's second amended complaint.

3 (2) Plaintiff's recently filed response to defendant's answer to plaintiff's second
4 amended complaint (Dkt. 21) is STRICKEN. A response to an answer to a civil complaint is not
5 a proper pleading and is only permitted when specifically ordered by the Court. *See* Fed. R. Civ.
6 P. 7(a)(7). The Court sees no need for the response filed by plaintiff and, thus, that submission is
7 properly stricken from the record. Plaintiff will have an opportunity to litigate the substance of
8 his claims later in this action.

9 (3) The Clerk is directed to send copies of this Order to plaintiff, to counsel for
10 defendant, and to the Honorable John C. Coughenour.

11 DATED this 3rd day of May, 2018.

12 
13 _____
14 Mary Alice Theiler
15 United States Magistrate Judge
16
17
18
19
20
21
22
23